

FILED

JAN 15 2008

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8021

UNITED STATES OF AMERICA,

Plaintiff,

v.

Ariadna Berenice REYES-Orta

Defendant.

} Magistrate Case No.:

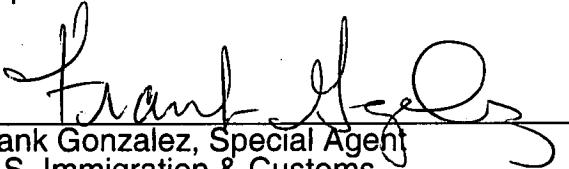
} COMPLAINT FOR VIOLATION OF

} 21 U.S.C. § 952 and 960  
Importation of a Controlled Substance  
(Felony)

The undersigned complainant being duly sworn states:

That on or about January 14, 2008, within the Southern District of California, defendant Ariadna Berenice REYES-Orta did knowingly and intentionally import approximately 32.98 kilograms (72.55 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

  
Frank Gonzalez, Special Agent  
U.S. Immigration & Customs  
Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 15 TH,  
DAY OF JANUARY 2008.

  
PETER C LEWIS  
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Ariadna Berenice REYES-Orta

4 STATEMENT OF FACTS

5 This Statement of Facts is based on the reports, documents, and notes furnished to U. S.  
6 Immigration and Customs Enforcement Special Agent Frank Gonzalez.

7 On January 14, 2008, at approximately 1922 hours, Ariadna Berenice REYES-Orta entered  
8 the United States at the Calexico, CA West Port of Entry. REYES-Orta was the sole occupant  
9 driver of a 1990 Ford Topaz.

10 Customs and Border Protection (CBP) Officer Jones was conducting pre-primary when  
11 his Narcotic Detector Dog alerted to a blue Ford Topaz bearing license plate number  
12 BAMX/AHF4158. The Ford Topaz was getting ready to make entry through lane number nine.  
13 REYES-Orta gave a negative Customs Declaration and told the primary officer she was headed  
14 to Calexico to pump gas. REYES-Orta stated the vehicle belonged to her father-in-law. CBP  
15 Officer Carp noticed REYES-Orta appeared nervous exhibited by stuttering and continuously  
16 chewing on her lolly-pop. REYES-Orta had a hard time removing the keys from the ignition.  
17 CBP Officer Carp observed packages concealed underneath the seat in a cutout in to the gas tank.  
REYES-Orta and the vehicle were escorted to vehicle secondary.

18 In the vehicle secondary lot, the back seats were taken out revealing a non-factory  
19 compartment built behind the rear seat rest a in the gas tank. A subsequent inspection of the  
20 vehicle revealed 6 packages concealed inside the vehicle. One of the packages was probed and a  
21 sample of a green leafy substance was obtained, which field tested positive for marijuana. The 6  
22 packages had a combined net weight of approximately 32.98 kilograms (72.55 pounds).

23 REYES-Orta was placed under arrest and advised of her rights per Miranda, which she  
24 acknowledged and waived, agreeing to answer questions. REYES-Orta stated she was told she  
25 would be smuggling an illegal alien hidden under the rear seat of the vehicle into the United  
26 States and be paid \$1,000.00.

27

28

29